

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 09cr4549-L
)	
Plaintiff,)	PRELIMINARY ORDER
)	OF CRIMINAL FORFEITURE
)	
v.)	
)	
MANUEL HERNANDEZ-GUERRA,)	
)	
Defendant.)	

WHEREAS, in the Information in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific property of the above-named Defendant pursuant to Title 31, United States Code, Sections 5317 and 5332, as property involved or traceable to the violation of Title 31, United States Code, Section 5332, as charged in the Information; and

WHEREAS, on or about February 8, 2010, the above-named Defendant, MANUEL HERNANDEZ-GUERRA("Defendant"), pled guilty to an Information, which plea included consent to the criminal forfeiture allegation pursuant to Title 31 as set forth in the Information; and

WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has established the requisite nexus between the forfeited property and the offense; and

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1 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
2 of said property pursuant to Title 31, United States Code, Sections 5317 and 5332, and
3 Rule 32.2(b) of the Federal Rules of Criminal Procedure; and

4 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the authority
5 to take custody of the following property which was found forfeitable by the Court, namely:

6 **\$20,726.00 in U.S. Currency; and**

7 WHEREAS, the United States, having submitted the Order herein to the Defendant
8 through his attorney of record, to review, and no objections having been received;

9 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

10 1. Based upon the guilty plea of the Defendant, the United States is hereby
11 authorized to take custody and control of the following asset, and all right, title and interest of
12 Defendant MANUEL HERNANDEZ-GUERRA in the following property is hereby forfeited
13 to the United States for disposition in accordance with the law, subject to the provisions of
14 21 U.S.C. § 853(n):

15 **\$20,726.00 in U.S. Currency.**

16 2. The aforementioned forfeited asset is to be held by the United States Customs
17 and Border Protection ("CBP") in its secure custody and control.

18 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin
19 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
20 of third parties.

21 4 Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21,
22 United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules
23 for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall
24 publish for thirty (30) consecutive days on the Government's forfeiture website,
25 www.forfeiture.gov, notice of this Order, notice of the CBP's intent to dispose of the property
26 in such manner as the Attorney General may direct, and notice that any person, other than the
27 Defendant, having or claiming a legal interest in the above-listed forfeited property must file a

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1 petition with the Court within thirty (30) days of the final publication of notice or of receipt of
2 actual notice, whichever is earlier.


3 5. This notice shall state that the petition shall be for a hearing to adjudicate the
4 validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under
5 penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or
6 interest in the forfeited property and any additional facts supporting the petitioner's claim and
7 the relief sought.

8 6. The United States may also, to the extent practicable, provide direct written notice
9 to any person known to have alleged an interest in the property that is the subject of the
10 Preliminary Order of Criminal Forfeiture.

11 7. Upon adjudication of all third-party interests, this Court will enter an Amended
12 Order of Forfeiture pursuant to 31 U.S.C. §§ 5317 and 5332, in which all interests will be
13 addressed.

14 DATED:

15 2/8/10

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17 M. JAMES LORENZ, Judge
18 United States District Court
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